



Sen. Don Harmon

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09700HB4940sam001

LRB097 18481 HLH 69593 a

1 AMENDMENT TO HOUSE BILL 4940

2 AMENDMENT NO. _____. Amend House Bill 4940 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Property Tax Code is amended by changing
5 Sections 22-40 and 22-85 as follows:

6 (35 ILCS 200/22-40)

7 Sec. 22-40. Issuance of deed; possession.

8 (a) If the redemption period expires and the property has
9 not been redeemed and all taxes and special assessments which
10 became due and payable subsequent to the sale have been paid
11 and all forfeitures and sales which occur subsequent to the
12 sale have been redeemed and the notices required by law have
13 been given and all advancements of public funds under the
14 police power made by a city, village or town under Section
15 22-35 have been paid and the petitioner has complied with all
16 the provisions of law entitling him or her to a deed, the court

1 shall so find and shall enter an order directing the county
2 clerk on the production of the certificate of purchase and a
3 certified copy of the order, to issue to the purchaser or his
4 or her assignee a tax deed. The court shall insist on strict
5 compliance with Section 22-10 through 22-25 and substantial
6 compliance with Section 22-5. Prior to the entry of an order
7 directing the issuance of a tax deed, the petitioner shall
8 furnish the court with a report of proceedings of the evidence
9 received on the application for tax deed and the report of
10 proceedings shall be filed and made a part of the court record.

11 (b) If taxes for years prior to the year or years sold are
12 or become delinquent subsequent to the date of sale, the court
13 shall find that the lien of those delinquent taxes has been or
14 will be merged into the tax deed grantee's title if the court
15 determines that the tax deed grantee or any prior holder of the
16 certificate of purchase, or any person or entity under common
17 ownership or control with any such grantee or prior holder of
18 the certificate of purchase, was at no time the holder of any
19 certificate of purchase for the years sought to be merged. If
20 delinquent taxes are merged into the tax deed pursuant to this
21 subsection, the court shall enter an order declaring which
22 specific taxes have been or will be merged into the tax deed
23 title and directing the county treasurer and county clerk to
24 reflect that declaration in the warrant and judgment records;
25 provided, that no such order shall be effective until a tax
26 deed has been issued and timely recorded. Nothing contained in

1 this Section shall relieve any owner liable for delinquent
2 property taxes under this Code from the payment of the taxes
3 that have been merged into the title upon issuance of the tax
4 deed.

5 (c) The county clerk is entitled to a fee of \$10 in
6 counties of 3,000,000 or more inhabitants and \$5 in counties
7 with less than 3,000,000 inhabitants for the issuance of the
8 tax deed. The clerk may not include in a tax deed more than one
9 property as listed, assessed and sold in one description,
10 except in cases where several properties are owned by one
11 person.

12 Upon application the court shall, enter an order to place
13 the tax deed grantee or the grantee's successor in interest in
14 possession of the property and may enter orders and grant
15 relief as may be necessary or desirable to maintain the grantee
16 or the grantee's successor in interest in possession.

17 (d) The court shall retain jurisdiction to enter orders
18 pursuant to subsections (b) and (c) of this Section. This
19 amendatory Act of the 92nd General Assembly and this amendatory
20 Act of the 95th General Assembly shall be construed as being
21 declarative of existing law and not as a new enactment.

22 (Source: P.A. 95-477, eff. 6-1-08.)

23 (35 ILCS 200/22-85)

24 Sec. 22-85. Failure to timely take out and record deed;
25 deed is void. Unless the holder of the certificate purchased

1 at any tax sale under this Code takes out the deed in the time
2 provided by law, and records the same within one year from and
3 after the date of the court finding, pursuant to Section 22-40,
4 that the time for redemption has expired ~~the time for~~
5 ~~redemption expires~~, the certificate or deed, and the sale on
6 which it is based, shall, after the expiration of that ~~the~~ one
7 year period, be ~~absolutely~~ void with no right to reimbursement.
8 If the holder of the certificate is prevented from obtaining a
9 deed by injunction or order of any court, or by the refusal or
10 inability of any court to act upon the application for a tax
11 deed, or by the refusal of the clerk to execute the same deed,
12 the time he or she is so prevented shall be excluded from
13 computation of the one year period. Certificates of purchase
14 and deeds executed by the clerk shall recite the qualifications
15 required in this Section.

16 (Source: P.A. 87-669; 88-455.)".